

INITIAL STATEMENT OF REASONS

FOR PROPOSED BUILDING STANDARDS OF THE

CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING THE NEXT TRIENNIAL EDITION OF THE CALIFORNIA BUILDING CODE (CBC), CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 2

ADOPT AND AMEND NEW MODEL CODE FOR USE IN CALIFORNIA AS TITLE 24, PART 2

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

REPEAL THE 2001 CBC AND ADOPT THE 2006 INTERNATIONAL BUILDING CODE (IBC)

The specific purpose of this action is to repeal the 2001 CBC, which is based on the 1997 Uniform Building Code, and all of CBSC's amendments thereto. This action proposes to adopt the 2006 IBC, most recent edition of the model code, within one year of its publication.

The specific rationale for this action is to meet the requirements of Health and Safety Code (H & SC) §§18928 and 18934.5, which assures that the latest building regulations for those occupancies under CBSC's authority. It meets criteria (3), in the public interest, and (7), incorporation of model codes, of H & SC §18930(a).

ADOPT NEW SECTIONS AND RELOCATE SECTIONS FROM THE 2001 CBC IN CHAPTER 1, GENERAL PROVISIONS; RELOCATE IBC CHAPTER 1, ADMINISTRATION, TO APPENDIX CHAPTER 1; AND CORRELATE REFERENCES TO CHAPTER 1 IN IBC §§603.1.3, 1002.1, 1205.4.1, 1405.10.4, 1603.1.8, 1612.5, 1704.1.1, 1711.1, 1810.8.4.1, 2503.1, AND CHAPTER 35

The specific purpose of this adoption is to separate statutory administrative provisions for state agencies from administrative provisions which can be adopted by local jurisdictions.

The specific rationale for this action is clarity of administrative provisions for occupancies under the authority of state agencies and those under the authority of local jurisdictions. It is justified by criteria (1), reduction of conflict, and (3), in the public interest, of H & SC 18930(a).

RELOCATE FROM THE 2001 CBC PROVISIONS AS FOLLOWS: §1205.6 CAMPUS LIGHTING AND §3109.4.4 PRIVATE SWIMMING POOLS

The specific purpose of bringing these sections forward is to include these provisions, which are not addressed by the 2006 IBC, in the next triennial edition of the CBC.

The specific rationale for this action is that they are mandated by statute: §1205.6 by Government Code §14617 and §3109.4.4 by H & SC §18942(b). The action conforms to criterion 2, enabling legislation, of H & SC §18930 (a).

AMEND IBC §§201.3, 406.4.2, 406.6.3, 406.6.5, 603.1, 603.1.1, 603.1.2, 716.5.4, 716.6.1, 716.6.2, 716.6.3, 717.5, 719.1, 719.7, 1203.1, 1203.2.1, 1203.4.2.1, , 1205.4.1, 1206.3.3, 1209.3, 1503.4, 1807.4.3, 2113.11.1.2, 2113.15, 2304.5, 3305.1, 3401.3, 3410.6.7.1, AND CHAPTER 35 TO REFERENCE MODEL CODES PROPOSED FOR ADOPTION IN CALIFORNIA

The specific purpose of these regulations is to amend references in the IBC to codes that California does not adopt, such as the International Mechanical Code and the International Plumbing Code, published by the International Code Council. The references are proposed for amendment in the CBC to codes that California adopts, the California Mechanical Code and California Plumbing Code, based on uniform codes published by the International Association

of Plumbing and Mechanical Officials; and the National Electrical Code, published by the National Fire Protection Association.

The specific rationale of the amendments, based on Health & Safety Code §18930(a), is to meet Criterion 1, avoid conflict with building standards not adopted in California; Criterion 7, incorporate by reference applicable model codes adopted by California; and Criterion 8, provide consistent format across the subject parts of CCR, Title 24.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

To support the amendment of code references in the IBC, in August, 2005, the CBSC's Plumbing, Electrical, Mechanical, and Energy Code Advisory Committee convened in a public meeting to consider the references and offer technical insight into the requirements of the international codes and the uniform codes for the state's adopting agencies. A report of their findings can be found on the CBSC's web site at http://www.bsc.ca.gov/prpsd_chngs/pc_07_prop_adoptions.html

No other studies or reports were relied upon to propose the regulations identified above. Adoption of the latest edition of the model code is mandated by H & SC §18928.

CONSIDERATION OF REASONABLE ALTERNATIVES

The uniform codes formerly published by the International Conference of Building Officials are no longer available. The International Code Council replaced the three major building code-writing bodies in America, combining their building standards into a new model code, beginning with the 2000 IBC. Subsequently, the National Fire Protection Association published the 2003 NFPA 5000, a model building code that was considered as an alternative to the IBC by CBSC and other state agencies proposing adoption. This alternative was rejected in favor of the IBC when it was determined by the state agencies that NFPA 5000 lacked provisions insurmountable to amend.

Also, a reasonable alternative to amending all of the IBC references is to amend them in a single, general reference statement in the administrative provisions of the CBC. This alternative was rejected, because if a code user were to miss such a general statement, he or she may read unamended references elsewhere in the CBC and follow conflicting regulations in codes not adopted for use in California.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

No alternatives were identified that would lessen any adverse impact on small business. Adoption of the latest edition of the model code is mandated by H & SC §18928.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

CBSC did not identify facts, evidence, documents, testimony, or other evidence to make an initial determination of no significant adverse economic impact on business.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There are no federal regulations concerning state agency adoption and amendment of model codes. Those provisions are found in H & SC §§18928 and 18929.1.